

AN ACT

RELATING TO CHILD ABUSE BY PROHIBITING RETALIATION FOR
REPORTING, PROVIDING FOR IMPLEMENTATION OF REPORTING
POLICIES AT POSTSECONDARY INSTITUTIONS, REQUIRING REVIEW OF
TRAINING REQUIREMENTS, AND PROVIDING A REMEDY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 232.73, unnumbered paragraph 2, Code 2011, is amended to read as follows:

As used in this section and in sections 232.73A, 232.77, and 232.78, "*medically relevant test*" means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives of the illegal drugs, including a drug urine screen test.

Sec. 2. NEW SECTION. **232.73A Retaliation prohibited — remedy.**

1. *a.* An employer shall not take retaliatory action against an employee as a reprisal for the employee's participation in good faith in making a report, photograph, or X ray, or in the performance of a medically relevant test pursuant to this chapter, or aiding and assisting in an assessment of a child abuse report pursuant to section 232.71B. This section does not apply to a disclosure of information that is prohibited by statute.

b. For purposes of this section, "*retaliatory action*" includes but is not limited to an employer's action to discharge an employee or to take or fail to take action regarding an employee's appointment or proposed appointment to, to take or fail to take action regarding an employee's promotion or proposed promotion to, or to fail to provide an

advantage in a position in employment.

2. Subsection 1 may be enforced through a civil action.

a. A person who violates subsection 1 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or the county attorney.

Sec. 3. Section 260C.14, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Develop and implement a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the community college's administration and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

Sec. 4. Section 261.9, subsection 1, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

"Accredited private institution" means an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state and which meets the criteria in paragraphs "a" and "b" and all of the criteria in paragraphs "d" through ~~"g"~~ "h", except that institutions defined in paragraph "c" of this subsection are exempt from the requirements of paragraphs "a" and "b":

Sec. 5. Section 261.9, subsection 1, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Develops and implements a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting

responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the accredited private institution's administration and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

Sec. 6. Section 262.9, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 36. Develop and implement a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the administration of the institution of higher learning and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

Sec. 7. MANDATORY CHILD ABUSE REPORTER TRAINING — COMMITTEE REVIEW.

1. A stakeholder committee shall be convened and staffed by the department of public health to review the training resources for mandatory reporters of child abuse. The review shall address the current training resources and identify options for increasing the frequency of the training and the availability of profession-specific training and for enhancing the effectiveness and quality of the training. The results of the review, including findings, recommendations, and cost projections, shall be submitted to the governor and general assembly on or before December 15, 2012.

2. The membership of the committee shall consist of stakeholders involved with the child protection system and representatives of the professions that are mandatory reporters of child abuse. The members shall be appointed, five members each, by the chairpersons of the committees on human resources of the senate and the house of representatives, in consultation with the ranking members of the committees. In addition, four members of the general assembly shall be appointed to serve in an ex officio, nonvoting capacity. The legislative members shall be selected, one member each, by the majority leader of the senate, the minority leader of the senate, the speaker of

the house of representatives, and the minority leader of the house of representatives.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2225, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2012

TERRY E. BRANSTAD
Governor